

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**KENDRA BROWN, individually, and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**RUSH STREET GAMING, LLC;
CAPITAL REGION GAMING, LLC d/b/a
RIVERS CASINO & RESORT
SCHENECTADY,**

Defendants.

Case No. 1:22-cv-00392-DNH-DJS

**PLAINTIFF’S UNOPPOSED MOTION TO DIRECT CLASS NOTICE
AND GRANT PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Kendra Brown respectfully submits this motion for an order entering preliminary approval of a proposed class action settlement and directing notice of the settlement to the proposed settlement class pursuant to Federal Rule of Civil Procedure 23(e). This motion is not opposed by Defendants Rush Street Gaming, LLC or Capital Region Gaming, LLC.

In support of this Motion, Plaintiff submits the parties’ Settlement Agreement and attached exhibits as Exhibit 1¹; a supporting Memorandum of Law; the Declaration of Alexander T. Ricke (Plaintiff’s counsel); and a Proposed Order for the Court’s consideration (attached in PDF to the Settlement Agreement as Exhibit B and submitted in Microsoft Word format to the Court’s Chambers by email).

¹ As noted in the accompanying Memorandum of Law, Defendants have not yet signed the Settlement Agreement. However, based on communications among counsel for the parties, the Settlement Agreement is agreed by the parties. It is simply a matter of collecting signatures by Defendants’ representatives. The parties will file a supplemental pleading attaching the executed signature pages in short order. Plaintiff has signed the Settlement Agreement.

Accordingly, Plaintiff respectfully requests that the Court permit the issuance of notice to the class of the proposed settlement (*see* Settlement Agreement attached as Exhibit 1), approve the form and manner of notice to the class (*see* Notice of Settlement, attached to the Settlement Agreement as Exhibit A), appoint Plaintiff's counsel as class counsel, direct the parties to carry out the terms of the Settlement Agreement (including selecting a settlement administrator to administer notice to the class), and schedule a final approval hearing to determine whether the Settlement Agreement should be granted final approval as fair, reasonable, and adequate.

Dated: August 24, 2022

Respectfully submitted,

GETMAN, SWEENEY & DUNN PLLC

Matt Dunn, Bar Roll No. 513505

260 Fair Street

Kingston, NY 12401

Telephone: (845) 255-9370

Facsimile: (845) 255-8649

mdunn@getmansweeney.com

STUEVE SIEGEL HANSON LLP

/s/ Alexander T. Ricke

George A. Hanson, *pro hac vice*

Alexander T. Ricke, *pro hac vice*

Caleb J. Wagner, *pro hac vice*

460 Nichols Road, Suite 200

Kansas City, Missouri 64112

Telephone: (816) 714-7100

Facsimile: (816) 714-7101

hanson@stuevesiegel.com

ricke@stuevesiegel.com

wagner@stuevesiegel.com

McCLELLAND LAW FIRM

A Professional Corporation

Ryan L. McClelland, *pro hac vice*

Michael J. Rahmberg, *pro hac vice*

The Flagship Building

200 Westwoods Drive

Liberty, Missouri 64068-1170

Telephone: (816) 781-0002

Facsimile: (816) 781-1984

ryan@mcclellandlawfirm.com

mrahmberg@mcclellandlawfirm.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true and correct copy of the foregoing was filed with the Court's CM/ECF system on August 24, 2022, which will effectuate service on all counsel of record.

/s/ Alexander T. Ricke

Counsel for Plaintiff